

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

DEUTSCHE BANK TRUST COMPANY AMERICAS, in its capacity as successor indenture trustee for certain series of Senior Notes, et. al., : Court File No. 11-cv-1452 (MJD/AJB)

Plaintiffs, : **AFFIDAVIT OF KEVIN M. MAGNUSON IN SUPPORT OF PLAINTIFFS' MOTION FOR (i) LEAVE TO FILE SECOND AMENDED COMPLAINT AND (ii) AN ORDER CLARIFYING OR MODIFYING THE COURT'S PRIOR SEALING ORDER**

vs. :
U.S. BANK, N.A. :
Defendant. :
:

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Kevin M. Magnuson, being duly sworn, states as follows:

1. I am an attorney at Kelley, Wolter & Scott, P.A., co-counsel for the Plaintiffs in the above referenced action, and submit this affidavit in support of Plaintiffs' Motion for (i) Leave to File Second Amended Complaint and (ii) an Order Clarifying or Modifying the Court's Prior Sealing Order.

2. Attached as **Exhibit 1** is a true and correct copy of the Second Amended Complaint with a placeholder for the Amended Exhibit A redacted pending an order clarifying or modifying the Court's Order Granting Motion to File Exhibit A to the Complaint under Seal.

3. Attached as **Exhibit 2** is a true and correct copy of a redline comparing the proposed Second Amended Complaint with the Amended Complaint, which is the operative pleading.

s/Kevin M. Magnuson
Kevin M. Magnuson

Subscribed and sworn to by me this
29th day of September, 2011.

Tina M. Field
Notary Public